

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LARRY D. WHITE, SR.,)
Plaintiff,)
v.)
HOUSTON COUNTY JAIL, et al.,)
Defendants.)
CIVIL ACTION NO. 1:09cv708-ID

ORDER AND OPINION

On August 26, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 25). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The plaintiff's claims against the Houston County Jail, the Houston County Sheriff's Department and the State of Alabama are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(I).
2. The plaintiff's claims for monetary damages against Doug Valeska are DISMISSED with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(I) and (iii).

3. The plaintiff's challenges to the constitutionality of the revocation of his probation by the Circuit Court of Houston County, Alabama and his claims lodged against Christopher Robinson and Doug Valeska regarding the actions of these individuals relative to the probation revocation proceedings are DISMISSED without prejudice in accordance with the provisions of 28 U.S.C. § 1915(3)(2)(B)(ii).
4. The Houston County Jail, Houston County Sheriff's Department, State of Alabama, Doug Valeska and Christopher Robinson are DISMISSED as defendants in this cause of action.
5. This case, with respect to the plaintiff's claims against the remaining defendants regarding the conditions of confinement at the Houston County Jail, are REFERRED back to the Magistrate Judge for appropriate proceedings.

Done this the 16th day of September, 2009.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE